

Defendants Onex Corporation, Onex ABCO Limited Partnership, Onex ABCO Finance, LLC, Onex ABCO Finance II, LLC, Onex American Holdings, LLC, 1354495 Ontario, Inc., 3027233 Nova Scotia, Inc., OMI Partnership Holdings, Ltd., Gerald W. Schwartz, and Christopher A. Govan (collectively, “Defendants”) respectfully file this Motion for Partial Summary Judgment on Plaintiff’s Remaining Claims pursuant to Federal Rule of Civil Procedure 56 and ask the Court to grant summary judgment to Defendants on Counts II, VIII, XIII and XVI and to grant partial summary judgment to Defendants on Counts I, III and XVII of Plaintiff’s Amended Complaint. The grounds for Defendants’ Motion are set forth in detail in the accompanying Memorandum of Law in Support of Defendants’ Motion for Partial Summary Judgment on Plaintiff’s Remaining Claims, Defendants’ Statement of Undisputed Material Facts In Support of Defendants’ Motion for Partial Summary Judgment on Plaintiff’s Remaining Claims, and the Declaration of Maria T. Vullo.

Respectfully submitted, this 1st day of October, 2009.

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1(B)

Pursuant to Local Rule 5.1(B), the undersigned counsel hereby certifies that the foregoing **DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFF'S REMAINING CLAIMS** has been prepared using 14-point Times New Roman font.

Respectfully submitted, this 1st day of October, 2009.

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